

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:**

**CHAPTER 13 CASE NO.:**

**CHRISTOPHER SEAN STAGGS AND  
HEATHER M. STAGGS**

**19-13308-JDW**

**OBJECTION TO CONFIRMATION OF FIRST AMENDED PLAN (DKT. #23)**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the “Trustee”), by and through counsel, after conducting the Section 341(a) Meeting of Creditors, reviewing the Petition, Schedules, and Statement of Financial Affairs, and files this Objection to Confirmation (the “Objection”), and in support thereof states as follows:

1. The Debtors commenced this proceeding by filing a Voluntary Petition on August 16, 2019 (the “Petition Date”). The Debtors filed a proposed First Amended Chapter 13 Plan (Dkt. #23) (the “Plan”) on September 23, 2019.

2. The Debtors are below median income and the proposed term of the Plan is fifty-four (54) months. The Plan does not provide for a distribution to nonpriority unsecured creditors. The liquidation value in Section 5.1 of the Plan is zero (0).

3. The Debtors failed to disclose the Debtors’ financial affairs as required by 11 U.S.C. § 521(a)(1)(B)(iii); therefore, the requirement of §1325(a)(1) is not met. Specifically, the Statement of Financial Affairs fails to disclose the amounts of the two (2) pre-petition garnishments as required by Question ten (10) on the Statement of Financial Affairs.

4. The Debtors have failed to commence plan payments as required by 11 U.S.C. § 1326(a)(1).

5. The Plan fails to comply with 11 U.S.C. § 1325(a)(1). Section 3.1(a) of the Plan provides that the ongoing mortgage payments shall be paid beginning in December 2019 to Bank of Holly Springs (“BHS”). However, the Plan will not be sufficiently funded to allow for the disbursement to BHS and all other creditors at confirmation due to the fact that the Debtors have failed to commence plan payments.

6. The Debtors should timely remit all plan payments due under the Plan prior to the hearing or the case should be dismissed for failure to comply with the proposed Plan.

7. For the reasons set forth herein, the Trustee submits that Confirmation of the Plan should be denied and the case dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that upon notice and hearing that this Court enter its order sustaining the Objection. The Trustee prays for other such general and specific relief to which Trustee and this bankruptcy estate may be entitled.

Dated: October 16, 2019.

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman  
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: October 16, 2019.

/s/ Melanie T. Vardaman

MELANIE T. VARDAMAN